

REMARKS

By this Amendment, Applicant has amended the drawings to correct a typographical error, canceled claim 18 without prejudice or disclaimer, and amended claims 1, 2, 4-13, 15, 17, 19, and 20 to correct typographical errors, improve form, and/or more appropriately claim the invention.

In the Office Action dated August 11, 2004, the Examiner: objected to the drawings; rejected claims 1-17, 19, and 20 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,091,945 ("Oka") in view of U.S. Patent No. 6,259,909 ("Ratayczak"); and rejected claim 18 under 35 U.S.C. § 103(a) as unpatentable over *Oka* in view of *Ratayczak* and U.S. Patent No. 6,393,270 ("Austin").

DRAWINGS

Applicant attaches herewith a Replacement Sheet (1 Sheet - Fig. 3B). The Replacement Sheet includes a change to Fig. 3B to correct a typographical error discussed above in the **AMENDMENTS TO THE DRAWINGS** section. Accordingly, the objection to the drawings is deemed overcome.

CLAIMS 1-8

Applicant respectfully traverses the rejection of claim 1 under 35 U.S.C. § 103(a) as unpatentable over *Oka* in view of *Ratayczak* because the cited references separately or in combination, fail to teach or suggest each and every element recited in amended claim 1.

Particularly, *Oka* and *Ratayczak* separately or in combination, fail to teach or suggest a communication apparatus comprising at least an authentication section configured to perform authentication of another communication apparatus using an

authentication code of the other communication apparatus stored in the authentication code storage section and identification data of the other communication apparatus, as recited in claim 1. *Oka* merely discloses authentication using a fixed ID and a variable ID. In *Oka*, base station 2 increments the variable ID at every connection made between a radio communication terminal and a telephone network. (Abstract; col. 7, lines 1-6). *Ratayczak* merely discloses authentication between two devices C1 and S using an independent access device A to compare a code word, received by access device A, with authentication data stored in access device A. (Col. 3, lines 7-27). This is not the same as a communication apparatus comprising at least an authentication section configured to perform authentication of another communication apparatus using an authentication code of the other communication apparatus stored in the authentication code storage section and identification data of the other communication apparatus.

Accordingly, the rejection of claim 1 under 35 U.S.C. § 103(a) as unpatentable over *Oka* in view of *Ratayczak* should be withdrawn and claim 1 should be allowed.

Further, claims 2-8 are allowable at least by virtue of their dependence upon allowable claim 1, in addition to the patentable subject matter respectively recited therein. For example, *Oka* teaches reception of an ID (col. 8, lines 8-21), but does not teach: input of an authentication code (claim 2); authentication of another communication apparatus using an input authentication code when authentication code is not stored in an authentication code storage section (claim 3); authentication of another communication apparatus using identification data of the other communication apparatus and an input authentication code when an authentication code storage

section does not store authentication data of the other communication apparatus (claim 4); calculation of authentication data based on an authentication code and identification data of another communication apparatus (claim 5); and calculation of authentication data based on authentication code, identification data of another communication apparatus, and a random number (claim 6). *Ratayczak* does not overcome these deficiencies of *Oka*. Accordingly, the rejection of claims 2-8 under 35 U.S.C. § 103(a) as unpatentable over *Oka* in view of *Ratayczak* should be withdrawn and claims 2-8 should be allowed.

CLAIMS 9-12

Applicant respectfully traverses the rejection of independent claim 9 under 35 U.S.C. § 103(a) as unpatentable over *Oka* in view of *Ratayczak* because the cited references separately or in combination, fail to teach or suggest each and every element recited in amended claim 9.

Particularly, the disclosures in *Oka* and *Ratayczak* (discussed above for claim 1), separately or in combination, fail to teach or suggest calculating authentication data in two communication apparatuses based on predetermined data, an authentication code for calculation and of the apparatus to be authenticated, and identification data of the apparatus to be authenticated, as recited in claim 9.

Accordingly, the rejection of claim 9 under 35 U.S.C. § 103(a) as unpatentable over *Oka* in view of *Ratayczak* should be withdrawn and claim 9 should be allowed.

Claims 10-12 are allowable at least by virtue of their dependence upon allowable claim 9, in addition to the patentable subject matter respectively recited therein.

CLAIMS 13 AND 14

Applicant respectfully traverses the rejection of independent claim 13 under 35 U.S.C. § 103(a) as unpatentable over *Oka* in view of *Ratayczak* because the cited references separately or in combination, fail to teach or suggest each and every element recited in amended claim 13.

Particularly, the disclosures in *Oka* and *Ratayczak* (discussed above for claim 1), separately or in combination, fail to teach a communication apparatus comprising at least a collation section configured to calculate authentication data based on a random number, an authentication code of another communication apparatus, and identification data of the other communication apparatus, as recited in claim 13.

Accordingly, the rejection of claim 13 under 35 U.S.C. § 103(a) as unpatentable over *Oka* in view of *Ratayczak* should be withdrawn and claim 13 should be allowed.

Claim 14 is allowable at least by virtue of its dependence upon allowable claim 13, in addition to the patentable subject matter recited therein.

CLAIMS 15-17

Applicant respectfully traverses the rejection of independent claim 15 under 35 U.S.C. § 103(a) as unpatentable over *Oka* in view of *Ratayczak* because the cited references separately or in combination, fail to teach or suggest each and every element recited in amended claim 15.

Particularly, the disclosures in *Oka* and *Ratayczak* (discussed above for claim 1), separately or in combination, fail to teach a communication apparatus comprising at least a transmitter configured to calculate authentication data based on a random number, an authentication code of own apparatus, and identification data of own

apparatus, and to transmit the calculated authentication data to another communication apparatus, as recited in claim 15.

Accordingly, the rejection of claim 15 under 35 U.S.C. § 103(a) as unpatentable over *Oka* in view of *Ratayczak* should be withdrawn and claim 15 should be allowed.

Claims 16 and 17 are allowable at least by virtue of their dependence upon allowable claim 15, in addition to the patentable subject matter respectively recited therein.

CLAIM 18

Applicant respectfully traverses the rejection of claim 18 under 35 U.S.C. § 103(a) as unpatentable over *Oka* in view of *Ratayczak* and *Austin*. However, in order to advance the prosecution of this case, Applicant has canceled claim 18 without prejudice or disclaimer of the subject matter recited therein. Accordingly, the rejection of claim 18 is moot.

Applicant reserves the right to pursue the subject matter contained in claim 18 at a later time in the present application or another application (e.g., a continuation application).

CLAIM 19 AND 20

Applicant respectfully traverses the rejection of independent claim 19 under 35 U.S.C. § 103(a) as unpatentable over *Oka* in view of *Ratayczak* because the cited references separately or in combination, fail to teach or suggest each and every element recited in amended claim 19.

Particularly, the disclosures in *Oka* and *Ratayczak* (discussed above for claim 1), separately or in combination, fail to teach a communication apparatus comprising at

least an updating section configured to update a second authentication code of an external apparatus and corresponding to a first authentication code inputted by an input section and stored in memory, when authentication by an authentication section is successful.

Accordingly, the rejection of claim 19 under 35 U.S.C. § 103(a) as unpatentable over *Oka* in view of *Ratayczak* should be withdrawn and claim 19 should be allowed.

Applicant respectfully traverses the rejection of independent claim 20 under 35 U.S.C. § 103(a) as unpatentable over *Oka* in view of *Ratayczak* because claim 20 contains recitations similar to the recitations in claim 19. Hence, the rejection of claim 20 under 35 U.S.C. § 103(a) as unpatentable over *Oka* in view of *Ratayczak* should be withdrawn and claim 20 should be allowed, for the reasons discussed above for claim 19.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: November 11, 2004

By: 
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Attachments:

Replacement Drawing Sheet (1 Sheet - Fig. 3B)